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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,432	11/08/1999	CARL P. DANIEL	ICOM-00600	6642

7590

08/22/2005

Kendyl Roman
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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/436,432	Applicant(s) DANIEL, CARL P.	
	Examiner KIEU-OANH T. BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobodzinski (U.S. Patent No. 5,619,995 or "Lobod" hereinafter for short).

Regarding claim 1, Lobod discloses "a method of transmitting a video stream of images from a source device to a receiving device" (Fig. 1, item 17 as a source device, and items 6 & 7 as a receiving device (computer and storage) for receiving video stream from the source, as described in col. 6/lines 18-29 for video stream such as MPEG and other video compression standard, and col. 8/lines 3-40 for Motion Video Transformation System MTVS) comprising the steps of:

- a. transmitting the video stream of images in a first format to the receiving device, i.e., a typical stream format such as either analog or digital as in the RGB, NTSC/PAL, S-video or digital formats containing video stream of images transmitted to the receiving device (Fig. 3, col. 8/lines 1-40 and col. 10/line 52 to col. 11/line 26);

Art Unit: 2611

b. receiving a request for an enhanced version of a marked portion of the video stream of images from the receiving device, i.e., the user of computer 6 can request a portion or segment of the video stream of images from the receiving device for an enhanced version of that portion such as MPEG-2 for better video quality formats using event makers or timing indexes (col. 6/lines 2-65 & col. 7/lines 3-19 & col. 11/lines 17-26 for more details on this issue); and

c. transmitting the marked portion of the video stream of images in a second format, wherein the second format represents an enhanced version of the first format, i.e., the enhanced format is transmitted to the user on the display monitor (col. 7/lines 3-18 , and col. 13/lines 1-62 for program segments received or video stream sequences for selected programs or segments).

As for claim 2, in further view of claim 1, Lobod discloses “comprising the step of storing the original video stream of images at the receiving device” (Fig. 1/item 7, and col. 6/lines 1-17 & col. 9/lines 27-32).

As for claim 3, in further view of claim 2, Lobod further discloses “comprising the step of storing the marked portion of the video stream of images to replace a corresponding portion of the original video stream of images”, i.e., based on the formatting parameters, the corresponding portion of the video stream of images (i.e., MPEG 2) is stored to replace the original stream, as if typical version is either analog or MPEG as noted earlier, see col. 14/lines 23-35).

Regarding claims 4-5, in further view of claim 1 above, Lobod further suggests the step of “generating the video stream of images and transmitting the video stream of images to the storage device” and “wherein the step of generating is performed by a medical test device which is one of the group of an ultrasound, sonogram and echo-cardiogram device” (Fig. 1/item 7 for

Art Unit: 2611

storage device, and col. 1/lines 15-25 & col. 5/lines 45-col. 6/line 2; and col. 9/lines 27-32 for storage device).

As for claim 6, in further view of claim 1, Lobod further discloses “comprising the step of displaying the video stream of images at the receiving device” (Figs. 4-6 & 8 for the display screen and control window for controlling and displaying the receiving and requested video stream of images as earlier noted).

As for claim 7, in further view of claim 6, Lobod further discloses “comprising the step of marking the marked portion of the video stream of images at the receiving device”, i.e., section or program segments are identified or marked with event marker or timing indexes (as illustrated in Fig. 7, and col. 13/line 1 to col. 14/line 23 for timing marker, or physiological index in video signal annotation in any given video sequence).

As for claim 8, in further view of claim 6, Lobod further discloses “wherein the step of displaying includes a fast-forward and rewind function”, i.e., the user can control the presentation as VCR-like function such as fast-forward or rewind (Fig. 4, and col. 11/line 59 to col. 12/line 16).

As for claim 9, in further view of claim 6, Lobod further suggests “wherein the step of transmitting the video stream of images and the step of displaying are performed simultaneously such that a received portion of the video stream of images is displayed while a remaining portion of the video stream of images is transmitted” because real-time or live video transmission is also addressed, meaning the receiving portion keeps being transmitted to the input buffer while the output buffer outputs to the decoder for displaying at the display (Fig. 3, and col. 10/line 52 to col. 11/line 50 for video stream is stored in the buffer 44 or video conversion 45).

As for claim 10, in further view of claim 1, Lobod further discloses “comprising the step of adding annotations to the video stream of images”, i.e., annotations can be added to the video stream of images or program segments (as illustrated in Fig. 7 and col. 13/lines 1-62 for video annotations).

As for claim 11, in further view of claim 1, Lobod further comprising the step of “determining if a user views a particular image within the video stream of images for a predetermined period of time and automatically transmitting the particular image in the second format”, i.e., a predetermined period of time for typical viewing is defined based on predefined formatting parameters, particular image of second format is automatically transmitted to the user (col. 14/lines 8-35 for display parameter data, calibration setting and the diagnosis video is displaying based on the pre-setting).

As for claim 12, in further view of claim 1, Lobod further discloses “wherein if the request for an enhanced version is received while the step of transmitting the video stream of images is being performed, then the step of transmitting the video stream of images is paused while the step of transmitting the marked portion is performed, and resumed once the step of transmitting the marked portion is completed”, i.e., pausing a current presentation of a program can be done and request the transmission of enhanced video stream of images can also be done by requesting different programs based on enhanced formatting parameters and then resuming to the previous program (col. 12/line 48 to col. 13/line 62 as transmission rates can be regulated or controlled; and Fig. 4 & col. 11/line 59 to col. 12/line 16 for controlling of presentation display at the user device).

Regarding claims 13-15, 17, and 19-21, these claims for “a transmitting device for transmitting a video stream of images to a receiving device comprising:

- a. a storage device configured for receiving and storing a stream of images; and
- b. a controller coupled to the storage device and configured for coupling to the receiving device for controlling transmission of the stream of images from the storage device to the receiving device, wherein the stream of images are transmitted to the receiving device in a first format and then a requested portion of the stream of images are transmitted to the receiving device in a second format, and further wherein the second format represents an enhanced version of the first format”, with the transmitting device as the diagnostic image system 17 or Ultrasound system (Fig. 1 or in a detailed view in Fig. 2), are rejected for the reasons given in the scope of claims 1-12 as disclosed in details above.

As for claims 16 and 18, Lobod discloses “further comprising a network interface circuit coupled to the storage device and to the controller for communicating with the receiving device over a network” and “wherein the network is an Internet Protocol network” (Fig. 1/item 11 for network interface, and col. 9/lines 37-44 for TCP/IP addressed).

Regarding claims 22-28 and 29-35, these claims for “a system for transmitting a video stream of images from a source device to a receiving device comprising: a. a source device for generating the video stream of images; b. a transmitting device coupled to the source device to receive and store the video stream of images; and c. a receiving device coupled to the transmitting device to receive the video stream of images in a first format, display the video stream of images for a user to mark one or more sections of interest, transmit a request for an enhanced version of the sections of interest and receive from the transmitting device the sections

Art Unit: 2611

of interest within the video stream of images in a second format, wherein the second format represents an enhanced version of the first format” and “a method of transmitting a video stream of images from a source to a receiving device for display and storage at the receiving device comprising the steps of: a. transmitting the video stream of images in a first format to the receiving device; b. displaying the video stream of images in the first format at the receiving device, allowing a user to mark sections of interest within the video stream of images; and c. transmitting the sections of interest to the receiving device in a second format, wherein the second format represents an enhanced version of the first format” with same limitations as previously claimed are rejected for the reasons given in the scope of claims 1-21 as disclosed in details as in cited paragraphs but not limited these paragraphs but to the entire reference of Lobodzinski.

Response to Arguments

3. Applicant's arguments filed on 5/31/05 have been fully considered but they are not persuasive.

Applicant basically argues that Lobod might teaches the two steps of having a source device, a transmitting device, but there is no step of a receiving device for receiving a request for an enhanced version of a marked portion of the video stream of images from the receiving device. The examiner respectfully disagrees because Lobod clearly shows that the system of Figure 1, and as stated earlier in the office action, diagnostic image system 17 is a source for providing detailed of images, whether in a standard format or an enhanced format for better viewing, and item 6 & 7 for a computer with a network interface 11 (refer to block 100 for the

Art Unit: 2611

motion video transformation system) for network connections to other computer systems, which can be same or similar to computer system 6 & 7, and as taught by Lobod, in col. 9/lines 12-44, the user of system 100 uses the local area network LAN or wide area network WAN to exchange the images over the network. Therefore, even if the applicant would assume that figure 1 is the source, not the receiver (but it is the receiver there), the system 100 can send and exchange information including images to other computer systems-similar to system 100 as noted- over the network, and the other system is the receiver because Lobod teaches that this system is for physicians at various remote locations can participate in the diagnostic or review process concurrently to patient records (col. 1/lines 48-col. 2/line 2). Understood this concept, as shown in Figs. 4-6 and 7, illustrations are shown on the display of computer screen of users—physicians at remote locations in this case—can view, edit and requests or enhanced images by using tools for displaying different sizes, rates for high resolution display or view (col. 7/lines 3-18 & col. 11/lines 17-58 for different techniques are used in coding, compression/decompression in digital formats).

Therefore, the Examiner stands with the disclosure and teaching of Lobod as disclosed in the previous office action and now explained and discussed in this final office action.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Art Unit: 2611

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long, sweeping horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
August 9, 2005